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ABSTRACT

Vermont's state plan for the education of homeless children and youth, prepared in compliance with provisions of the Stewart B. McKinney Homeless Assistance Act of 1987, is presented in this document. The plan is comprised of five sections and five appendices. The first section cites non-regulatory guidance for compliance with Title VII, Subtitle B of the McKinney Act. The second section provides data on homeless children in Vermont. The third section defines homelessness under the McKinney Act. The fourth section summarizes Federal requirements for state homeless education initiatives. The fifth section presents Vermont's state plan. In addition to establishing a Coordinator of the Homeless Children and Youth Project, the plan outlines problems, objectives, strategies, standards, responsibilities, and timelines/review schedules for the following areas: (1) data gathering; (2) attendance/residency; (3) comparable services; (4) school records; (5) transportation; (6) information; and (7) dispute resolution. The following appendices are included: (1) a list of members of the Advisory Committee for the Education of Homeless Children and Youth; (2) copies of advertised notices of public hearings; (3) a reprint of Title VII, Subtitle B of Public Law 100-77 (the McKinney Act); (4) a Vermont Department of Education fact sheet on changing residency requirements for homeless children and youth; and (5) a proposed State Statute amendment. (AF)

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STATE PLAN FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

April 24, 1989

SPONSORED BY

VERMONT STATE DEPARTMENT
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Montpelier, Vermont

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TABLE OF CONTENTS

Page

A. INTRODUCTION 1

B. BACKGROUND.....1

C. DEFINITION.....2

D. STATE REQUIREMENTS.....2

E. STATE PLAN.....3

1. Coordinator.....3

2. Gather Data.....3

3. Attendance/Residency.....3

4. Comparable Services.....4

5. School Records.....5

6. Transportation.....5

7. Information.....5

8. Dispute Resolution.....6

Appendix I.....7
Advisory Committee Members

Appendix II.....8
Notice of Public Hearing

Appendix III.....9
Public Law 100-77, July 22, 1987
Title VII, Subtitle B

Appendix IV.....12
Fact Sheet - Changing residency requirements
for Homeless Children and Youth

Appendix V.....13
Proposed State Statute Amendment

A. INTRODUCTION

Title VII, Subtitle B, of the Stewart B. McKinney Homeless Assistance Act - Education of Homeless Children and Youth

Title VII-B of the Stewart B. McKinney Homeless Assistance Act (the Act) provides State educational agencies (SEAs) with grant funds to carry out policies to ensure that homeless children and youth have access to a free, appropriate public education which would be provided to children of residents of the State and is consistent with State attendance laws. The basic standard is that homeless individuals should have the same access to elementary and secondary education as children whose parents are fully established residents of the State. If a State has residency requirements as components of its compulsory school attendance laws, it should review and undertake steps to revise those laws to ensure that children of homeless individuals and homeless youth are afforded a free and appropriate public education. State residency requirements should not pose any barriers to the education of homeless individuals.

(Non-regulatory Guidance)
November 1987

B. BACKGROUND ON HOMELESS CHILDREN IN VERMONT

- Approximately 400 school age homeless children attend public school at any given time (51/60 supervisory unions reporting).

- Homeless children live in shelters, with friends, with relatives, or in other places such as tents and cars.

- Homeless children live with or without their parents.

- Homeless children have other problems which are different or greater in intensity than children who are not homeless such as: delayed or lost records, access to supplemental services, transportation, consistency of programming, acceptance by school community, need for stability and emotional support.

  The data does not reflect the number of homeless children and youth not attending school which the project was unable to collect at this time.

  The data does not truly reflect the number of school age children and youth temporarily living in shelters due to domestic violence, or the number of runaways needing temporary shelter.

C. DEFINITION

Homeless - A homeless individual is one who:

1. lacks a fixed, regular, and adequate residence, or

2. has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings. (Section 103 (a) (1) (2) of the Stewart B. McKinney Homeless Assistance Act.)

D. FEDERAL REQUIREMENTS FOR STATES, UNDER TITLE VII, SUBTITLE B, Section 722

- 722 (c) (2) to establish or designate an Office of Coordinator or Education of Homeless Children and Youth.

- 722 (d) (1) gather data on the number and location of homeless children and youth in the State, and such data gathering shall include the nature and extent of problems of access to, and placement of, homeless children and homeless youth in elementary and secondary schools, and the difficulties in identifying the special needs of such children.

- 722 (e) State Plan.

1. Each State shall adopt a plan to provide for the education of each homeless child or homeless youth within the State which will contain provisions designed to:

(A) authorize the State educational agency, the local educational agency, the parent or guardian of the homeless child, the homeless youth, or the applicable social worker to make the determinations required under this section; and

(B) provide procedures for the resolution of disputes regarding the educational placement of homeless children and youth.

2. Each plan adopted under this subsection shall assure, to the extent practicable under requirements relating to education established by State law, that local educational agencies within the State will comply with the requirements of paragraphs (3) through (6).

3. The local educational agency of each homeless child or youth shall either:

(A) continue the child's or youth's education in the school district of origin for the remainder of the school year, or

722 (e) (continued)

(B) enroll the child or youth in the school district where the child or youth is actually living;
whichever is in the child's best interest or the youth's best interest.

722 (e) (5) Each homeless child shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

722 (e) (6) The school records of each homeless child or youth shall be maintained -

(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district;

E. VERMONT STATE PLAN FOR HOMELESS EDUCATION

1. Establishment of Coordinator of Homeless Children and Youth Project
722 (c) (2)
Under the Compensatory Education Unit, Division of Special and Compensatory Education, Vermont State Department of Education.

2. Gather Data - 722 (d) (1)

Problem: Collection of data on homeless children and youth is difficult due to the transitory and invisible nature of the population.
Objective: Establish data collection system on the number and location of homeless children and youth in Vermont.
Strategy: Collect data on number of homeless children and youth semi-annually from all school districts, and annually from all homeless and battered women's shelters.
Standard: Accurate non-duplicated count of homeless children in Vermont will be made semi-annually.
Responsibility: Department of Education, Compensatory Education Unit, Homeless Project and Supervisory Union Districts.
Timeline/Review: October and May 1.

3. Attendance/Residency - 722 (e) (1), (2), (3)

Problem A: Current residency statute ties the residency of a child to his/her parent. Homeless children sometimes do not reside with parents.

3. Attendance/Residency (continued)

Objective: Change residency statute to allow children to attend school where they reside.
Strategy: a) Develop legislation to address change.
b) Gain field support through advisory board and regional meetings of superintendents.
Standard: a) New legislation will pass 1989 legislative session.
b) Amendment of local school policy as necessary.
Responsibility: Commissioner and/or his designee.
Timeline/Review: a) January-April 1989. Disseminate information on new legislation to school districts.
b) Compliance verification.

Problem B: Homelessness may lead to inconsistent school experiences, a result of multiple moves.

Objective: Change residency statute to allow homeless children and youth to attend school of origin when in the best interest of the student.
Strategy: Disseminate information from new legislation to shelters, community action programs and schools about the option for homeless students to remain in their school of origin when the school and the parents or guardians agree.
Standard: a) New legislation will pass 1989 legislative session.
b) Amendment of local school policy as necessary.
Responsibility: a) Commissioner and/or his designee.
b) Local school boards,
Timeline/Review: a) January-April 1989 Disseminate information on new legislation to school districts.
b) Compliance verification.

4. Comparable Services - 722 (e) (5)

Problem: Homeless students may not have access to comparable services because of time of entrance to a school and length of stay.
Objective: Ensure that homeless students have access to comparable services.
Strategy: The State Department of Education will:
a) Recommend procedures which will allow homeless children and youth to access comparable services.
b) Disseminate recommended procedures to local schools.
c) Provide training on recommended procedures to local schools, as needed.
Standard: School districts will have procedures available which will allow homeless students to access comparable services regardless of time of entrance or length of stay.
Responsibility: Commissioner and/or his designee.
Timeline/Review: September 1989.

5. School Records - 722 (e) (6)

Problem: Entry to school may be delayed due to missing school records.
Objective: School records for homeless children and youth shall be maintained so that records are available in a timely fashion when a child enters a new school district.
Strategy: Develop a plan and procedure to ensure that health and academic records are maintained to allow timely admittance to school for homeless individuals.
Standard: School records will be maintained so that homeless children are admitted to school in the same timely fashion as other new arrivals.
Responsibility: Local school boards.
Timeline/Review: September 1989 - Compliance verification.

6. Transportation

Problem: Homeless children may have difficulty accessing school because of lack of transportation.
Objective: Ensure that homeless children and youth have access to the same transportation as all other students.
Strategy: a) Disseminate information to school districts
b) Provide dispute resolution through established Department of Education procedures.
Standard: Transportation of homeless children and youth will not be a barrier to their accessing an education.
Responsibility: a) Local Education Agency (LEA)
b) Commissioner and/or his designee.
Timeline/Review: September 1989.

7. Information

Problem A: Parents and/or guardians of homeless children and youth may not be aware of offerings and activities at schools.
Objective: Increase awareness of homeless parents and/or guardians about school offerings and activities.
Strategy: Support the development of school-shelter protocols which encourage ongoing communication between shelters and schools concerning activities and offerings.
Standard: Schools will maintain direct communication with shelters and parents of homeless students about offerings and activities at schools equal to communication with non-homeless students' residences and parents.
Responsibility: Local schools, shelters.
Timeline/Review: May 1989, Ongoing.

Problem B: Community members and school personnel sometimes show a lack of information about "homelessness."
Objective: Provide information about homelessness to schools and community programs which may serve homeless children and youth.

Strategy: a) Post Rights and Responsibilities posters in all schools and community programs where homeless families may be.
b) Disseminate information/learning packets to schools.
c) Department of Education to be available to speak to groups regarding homeless children and youth.
Standard: Department of Education will provide information on the homeless to schools and community programs.
Responsibility: Department of Education Compensatory Education Unit-Homeless Project Coordinator.
Timeline/Review: a) April 1989.
b) June-September 1989.
c) Ongoing.

Problem C: The public may not be aware of actions and activities undertaken by the Vermont State Department of Education in regard to homeless students.
Objective: Make the public aware of actions and activities undertaken by the Department of Education in the area of homeless education.
Strategy: Coordinate a conference with New Hampshire Department of of Education to apprise the public of actions on Homeless Education in Vermont and New Hampshire.
Standard: Minimum of 100 participants will attend dual-state conference on homeless education.
Responsibility: Coordinators of Homeless Education, Vermont and New Hampshire.
Timeline/Review: September 1990.

8. Dispute Resolution 722 (e) (1) (B)

The resolution of disputes regarding the educational placement of homeless children and youth shall be handled in a manner consistent with Vermont state statute Section 1075, Title 16, under the jurisdiction of the Commissioner of Education. Subsequent complaints regarding the education of homeless will be handled in a manner consistent with the Vermont Department of Education Complaint Policy.

APPENDIX I

ADVISORY COMMITTEE FOR
THE EDUCATION OF HOMELESS
CHILDREN AND YOUTH

Alice Angney, Superintendent, Lamoille South Supervisory Union

Scott Blanchard, Executive Director, Vermont Headmasters Association

Paul Feeny, Director, Upper Valley Haven Shelter, Wilder

Rick Geisel, Director, North East Kingdom Community Action, Newport

Margaret Hayes, Regional Teacher, Rural Education Center, South Burlington

Betty Holloway, Chapter 1 Coordinator, Chittenden South Supervisory Union

Valerie Morrissette, Client/Advocate

Patricia Poulos, Guidance Counselor, South Burlington Middle School

Michael Powers, Housing Specialist, Community Action, Burlington

Gail Taylor, Graduate Student, Vermont College

Polly Flanders, Vermont School Board Association, Montpelier

Mary Elizabeth Beach, Coordinator, Education of Homeless Children and Youth Project, State Department of Education, Montpelier, VT

RUTLAND DAILY HERALD, Brattleboro Reformer ☐ Thursday, March 2, 1989

THURSDAY MORNING, MARCH 2, 1989

NOTICE OF PUBLIC HEARING

Under the Stewart B. McKinney Homeless Assistance Act, Title VII-B, the proposed state plan for education of homeless children and youth under the Vermont State Department of Education must hold public hearings on the proposal. Copies of the proposed state plan are available at all superintendent of schools administrative offices.

You may also comment on the proposal by writing the Education of Homeless Children and Youth Project, State Department of Education, Montpelier, VT 05602. (828-2753).

SUMMARY: The plan proposes to ensure that homeless children and youth have access to a free and appropriate public education by: (1) removing residency restrictions, (2) increasing accessibility of school records, (3) educating schools and communities about homeless children and youth, (4) collecting data.

PERSONS AFFECTED: Schools providing a public education and children, youth and families who are homeless.

COST BENEFIT ANALYSIS: The proposed plan would have a limited economic impact.

SCHEDULED HEARING: Two public hearings have been scheduled.

April 7, 1989 at 11:30 a.m. in the 5th Floor Conference Room, Department of Education, Montpelier.

APRIL 6, 1989 at 6:00 p.m. at Contois Auditorium, City Hall, Burlington.

—The Burlington (Vt.) Free Press,

Wednesday, March 1, 1989 • • •

LEGAL NOTICES 1

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March 1, 2, 1989

12

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Persons affected: Schools providing a public education and children, youth and families who are homeless.

Cost benefit analysis: the proposed plan would have a limited economic impact.

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Burlington Free Press 3/8

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PERSONS AFFECTED: Schools providing a public education and children, youth and families who are homeless.

COST BENEFIT ANALYSIS: The proposed plan would have a limited economic impact.

SCHEDULED HEARING: Two public hearings have been scheduled.

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LEGAL NOTICES

Bennington Banner 3/2/89

LEGAL NOTICES

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PERSONS AFFECTED: Schools providing a public education and children, youth and families who are homeless.

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PERSONS AFFECTED: Schools providing a public

Benn. Banner 3/1/89

LEGAL NOTICES

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COST BENEFIT ANALYSIS: The proposed plan would have a limited economic impact.

SCHEDULED HEARING: Two public hearings have been scheduled

LEGAL NOTICES

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Journal 3/2/89

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SEC. 702. STATEWIDE LITERACY INITIATIVES. 42 USC 11421.

(a) GENERAL AUTHORITY.—The Secretary of Education shall make Grants.
ants to State educational agencies to enable each such agency to
velop a plan and implement a program of literacy training and
sic skills remediation for adult homeless individuals within the
ate, which shall—

(1) include a program of outreach activities; and

(2) be coordinated with existing resources such as community-based organizations, VISTA recipients, adult basic education program recipients, and nonprofit literacy-action organizations.

(b) APPLICATION.—Each State educational agency desiring to re-
ive its allocation under this section shall submit to the Secretary
f Education an application at such time, in such manner, and
ontaining such information as the Secretary may reasonably
equire.

(c) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

(1) There are authorized to be appropriated $7,500,000 for fiscal year 1987 and $10,000,000 for fiscal year 1988, for the adult literacy and basic skills remediation programs authorized by this section.

(2) The Secretary of Education shall distribute funds to States on the basis of the assessments of the homeless population in the States made in the comprehensive plans submitted under this Act, except that no State shall receive less than $75,000 under this section.

(d) DEFINITION.—As used in this section, the term "State" means ach of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

Subtitle B—Education for Homeless Children and Youth

SEC. 721. STATEMENT OF POLICY. 42 USC 11431.

It is the policy of the Congress that—

(1) each State educational agency shall assure that each child of a homeless individual and each homeless youth have access to a free, appropriate public education which would be provided to the children of a resident of a State and is consistent with the State school attendance laws; and

(2) in any State that has a residency requirement as a component of its compulsory school attendance laws, the State will review and undertake steps to revise such laws to assure that the children of homeless individuals and homeless youth are afforded a free and appropriate public education.

SEC. 722. GRANTS FOR STATE ACTIVITIES FOR THE EDUCATION OF HOME- 42 USC 11432.
LESS CHILDREN AND YOUTH.

(a) GENERAL AUTHORITY.—The Secretary of Education is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (c), (d), and (e).

(b) ALLOCATION.—From the amounts appropriated for each fiscal year pursuant to subsection (g), the Secretary shall allot to each State an amount which bears the same ratio to the amount appropriated in each such year as the amount allocated under section 111

of the Elementary and Secondary Education Act of 1965 (as incorporated by reference in chapter 1 of the Education Consolidation and Improvement Act of 1981) to the local educational agencies in the State in that year bears to the total amount allocated to such agencies in all States, except that no State shall receive less than $50,000 in any fiscal year.

20 USC 2801 note.

(c) AUTHORIZED ACTIVITIES.—Grants under this section shall be used—

(1) to carry out the policies set forth in section 721 in the State;

Office of Coordinator of Education of Homeless Children and Youth, establishment.

(2) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in accordance with subsection (d); and

(3) to prepare and carry out the State plan described in subsection (e).

(d) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

Schools and colleges.

(1) gather data on the number and location of homeless children and youth in the State, and such data gathering shall include the nature and extent of problems of access to, and placement of, homeless children and homeless youth in elementary and secondary schools, and the difficulties in identifying the special needs of such children;

(2) develop and carry out the State plan described in subsection (e); and

Reports.

(3) prepare and submit to the Secretary an interim report not later than December 31, 1987, and a final report not later than December 31, 1988, on the data gathered pursuant to paragraph (1).

To the extent that reliable current data is available in the State, each coordinator described in this subsection may use such data to fulfill the requirements of paragraph (1).

(e) STATE PLAN.—

(1) Each State shall adopt a plan to provide for the education of each homeless child or homeless youth within the State which will contain provisions designed to—

(A) authorize the State educational agency, the local educational agency, the parent or guardian of the homeless child, the homeless youth, or the applicable social worker to make the determinations required under this section; and

(B) provide procedures for the resolution of disputes regarding the educational placement of homeless children and youth.

(2) Each plan adopted under this subsection shall assure, to the extent practicable under requirements relating to education established by State law, that local educational agencies within the State will comply with the requirements of paragraphs (3) through (6).

(3) The local educational agency of each homeless child or youth shall either—

(A) continue the child's or youth's education in the school district of origin for the remainder of the school year; or

(B) enroll the child or youth in the school district where the child or youth is actually living;

whichever is in the child's best interest or the youth's best interest.

(4) The choice regarding placement shall be made regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.

(5) Each homeless child shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

(6) The school records of each homeless child or youth shall be maintained— Records.

(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

(B) in a manner consistent with section 438 of the General Education Provisions Act. 20 USC 1232g.

(f) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1987 and 1988 to carry out the provisions of this section.

(2) Sums appropriated in each fiscal year shall remain available for the succeeding fiscal year.

SEC. 722. EXEMPLARY GRANTS AND DISSEMINATION OF INFORMATION ACTIVITIES AUTHORIZED. 42 USC 11432.

(a) GENERAL AUTHORITY.—

(1) The Secretary shall, from funds appropriated pursuant to subsection (f), make grants for exemplary programs that successfully address the needs of homeless students in elementary and secondary schools of the applicant.

(2) The Secretary shall, in accordance with subsection (e), conduct dissemination activities of exemplary programs designed to meet the educational needs of homeless elementary and secondary school students.

(b) APPLICANTS.—The Secretary shall make grants to State and local educational agencies for the purpose described in paragraph (1) of subsection (a).

(c) ELIGIBILITY FOR GRANTS.—No applicant may receive an exemplary grant under this section unless the applicant is located in a State which has submitted a State plan in accordance with the provisions of section 722.

(d) APPLICATION.—Each applicant which desires to receive a demonstration grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) a description of the exemplary program for which assistance is sought;

VERMONT DEPARTMENT OF EDUCATION FACT SHEET JANUARY 1989

CHANGING RESIDENCY REQUIREMENTS FOR HOMELESS CHILDREN AND YOUTH

THE CURRENT SITUATION

Some homeless children and youth in Vermont have difficulty accessing a free public education due to the current state residency laws.

Federal law (Stewart B. McKinney Homeless Assistance Act [Title VII, Subtitle B]) requires that each state:

> *"ensure that homeless children and youth have access to a free, appropriate public education which would be provided to children of residents of the state, and is consistent with state attendance laws".*

16 VSA, Sec. 1075 currently defines residency according to the residence of the parents. If the homeless child is not residing with their parent or legal guardian, there is no provision to require that the child be educated where they are residing.

THE PROPOSED CHANGES

The proposed change defines residency according to the residence of the homeless child and not the parent.

This change was selected because it;

Ensures that all children and youth living in the state will have access to a free and appropriate public education (as required under federal law),

Acknowledges the right of children to receive an education and provides consistency of services whenever possible,

Supports the current practices of most school districts in the state by allowing the children to attend school in the town where they reside,

Supports school admittance when children live in shelters or other temporary living situations.

BACKGROUND ON HOMELESS CHILDREN IN VERMONT

Approximately 400 school age homeless children attend public school at any given time (51/60 supervisory unions reporting).

Homeless children live in shelters, with friends, with relatives, or in other places such as tents and cars.

Homeless children live with or without their parents.

Homeless children have other problems which are different or greater in intensity than children who are not homeless such as; delayed or lost records, access to supplemental services, transportation, consistency of programming, acceptance by school community, need for stability and emotional support.

For further information, contact Robert McNamara at 828-3141.

APPENDIX V

PROPOSED STATE STATUTE AMENDMENT

The State Board of Education proposes to revise 16 V.S.A. sec. 1075 concerning residency of pupils. Existing language to be deleted is in brackets, new language is underlined.

Section 1075 of Title 16 of V.S.A. is amended to read as follows:

Legal residence defined: responsibility and payment of education of pupil under custody of state agencies.

(c) For the purposes of this title, the legal residence of a child of homeless parents is where the child temporarily resides unless the parents and another school district agree that the child's attendance in school in that school district will be in the best interests of the child in that continuity of education will be provided and transportation will not be unduly burdensome to the school district. A "child of homeless parents" means a child whose parents

1) lack a fixed, regular and adequate residence, or
2) have a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations such as public assistance hotels, congregate shelters, battered women's shelters, and transitional housing for persons diagnosed as mentally ill, or a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings.

(d) For the purpose of this title, the legal residence of a migrant immigrant or refugee child shall be determined in the same manner as in subsection (c) above, unless the child's parents have established a residence in the state.